IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 26 of 2006 (M/S)

Nameshwar Prasad Jain,
S/o Sri Sukhar Prasad Jain,
R/o 82-C/5 Muir Road,
Ashok Nagar, Allahabad. …… Petitioner

Versus

Chandan Singh Rawat,
S/o Sri B.S. Rawat,
R/o 26 Darshani Gate,
District Dehradun & others. …… Respondents

Mr. Sharad Sharma, learned counsel for the petitioner.
Mr. Nand Prasad, Standing Counsel for respondent No. 8.

Hon'ble B.S. Verma, J.

1. By the present writ petition, the petitioner has mainly prayed for a writ, order or direction in the nature of mandamus directing respondent No. 8 to pass an appropriate order on the petitioner's application / objection filed under Order 39 Rule 3-A C.P.C. which was filed on 31.8.2005.

2. Order 39 Rule 3-A C.P.C. provides thus:

> "**3-A. Court to dispose of application for injunction within thirty days.** – Where an injunction has been granted without giving notice to the opposite party, the Court shall make an endeavour to finally dispose of the application within thirty days from the date on which the injunction was granted; and where it is unable so to do, it shall record its reasons for such inability."

3. The prayer is innocuous. There is also a specific provision to decide the application within 30 days as quoted above.

4. Therefore, respondent No. 8 is directed to decide the injunction application of the petitioner along with the objection filed under Order 39 Rule 4 within 30 days from the date of production of a copy of this judgment. The notice shall be given to the private respondents by respondent No. 8 before hearing the application.

5. Writ petition is disposed of accordingly.

(B.S. Verma, J.)
12.01.2006

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